

MAINE.—Clifford.
NEW-HAMPSHIRE.—Burke, Eastman, Roding.
NEW-YORK.—Doig, C. A. Floyd, McClean.
PENNSYLVANIA.—Furnace, Gerry, Gustave, Jack, Kene, Newhard, Plumer, Snyder.
OHIO.—Dean, Doan, Matthews, Medill Sweeney.

Here the peculiar 'friends of the poor,' friends to the diffusion of information, friends of the 'largest liberty,' and, to cap the whole, friends of 'State rights!'

Such is the party and such the leader, who, in alliance with slaveholders, are to be all-powerful in the next Congress.

Of President Tyler I need not now speak. Every body knows what his bent is in regard to Texas. But here is Mr. Gilmer, a veteran leader, a practical man, peculiarly the representative of the cabal, and of the slave-breeding and slave-trading interests, giving out to 'the party,' that Texas must be admitted, and that 'SOON.' This seems to me startling! I cannot doubt that it is one of many means, now in operation, to prepare 'the party' for the measure, to familiarize the country with it, and, then, among the first business of the new Congressional majority, to attach the province, and trust to time, management, and, above all, the impossibility of recalling the steps to make the North subservient thereto. It is the opinion, I think, of a majority of the northern members with whom I converse, that there is great danger, and some think a certainty, that the scheme will succeed.

It would not be proper, in this connexion, to overlook Mr. Upshur, Secretary of the Navy. As the advocate of the slave basis in the Virginia Convention in 1829,—as the calculator, even at that early period, of the advance on the price of Virginia slaves in case of the acquisition of Texas,—as one who is under accumulated suspicion, in consequence of the late proceedings of Commodore Jones at Monterey,—as one who has great sway in the Executive at this time, and is likely to retain it to the end of the present reign,—he ought to be observed with a special vigilance. The trimviate, Meers, Tyler, Upshur and Wise, are all from one of the most decayed of the habitable parts of Virginia. The inhabitants have no business of any importance, except breeding slaves for the market. The interest which makes the South most earnest, in a pecuniary view, for the acquisition of Texas, exists in greater force in that Congressional district, (Wise's,) to which all three belong, than in any other throughout the whole South.

There is yet another indication, which has given me much pain. It is an insidious argument, addressed by the moderate slave whigs of the South to their political friends of the free States, who are more or less opposed to slavery, and who cannot be affected by any appeal from that quarter, unless it has a primary view to the maintenance of the constitutional rights of the people of the free States, and the benefit, so far as they think the Constitution will admit, of the slaves everywhere. The argument is this: The opening of new regions for slave labor in the extreme Southwest, is the best and only way of withdrawing the slaves from the old slave States on the Atlantic and in the West. Now, therefore, although the acquisition of new territory in the Southwest will create new slave States, yet by the drain which it will establish the slave population in that direction, it will also, *pari posse*, make the old slave States free, and thus, in effect, the number and strength of the free States will be increased by the acquisition!

In conversation, somewhat warm, which I had with a Georgia slaveholder a few days ago, he openly and exultingly boasted that if we had a great man at the North, they could always buy him. Of course, they can buy the little ones. And are the people of the North forever to submit to this most detestable and degrading traffic, a traffic worse than the slave-trade? Will they much longer consent to see their leaders and agents bribed to betray their interests and degrade their character, themselves all the while furnishing the money from their hard earnings, by which the vile system is carried on? It cannot, it cannot be.

ed firmly in his statement, the President flew into a violent rage, and several persons present, among them, I believe, Mr. Van Buren, urged and persuaded Mr. G. to retire from the storm. Another instance will carry us back much further, to the time when this corrupt and disreputable system, of uttering the public offices for partisan services, took its rise.

At the accession of Jefferson, *Wethrop Sargent*, of Massachusetts, was Governor of the Mississippi territory. Some charges of official misconduct were made against him. He came to Washington for the purpose of investigating them and making his defence. On his arrival, he was informed by rumor that a commission was already made out for his successor. He sought interviews with Mr. Madison, then Secretary of State, and with Jefferson. Both assured him that no such step had been taken in the matter, and the latter assured him that no such step should be taken until he had been heard. Relying on this pledge of the President, he left Washington for a few days for the purpose of possessing himself of some papers necessary to his defence; and while he was thus absent, he received a letter from Madison, informing him that he was dismissed! Subsequently, he found that C. C. Calhoun had actually been appointed and commissioned as Governor of Mississippi, previous to his (Mr. Sargent's) arrival at Washington, and his interview with the President and Secretary of State!

If there be any proposition in which all mankind concur, it is that a republic cannot be maintained without virtue in the people and the rulers. Why is it that shameless and slavish duplicity and depravity have been thus early introduced and naturalized among us? My belief is, that they originated in the necessity, which the slaveholders were under, (in order to obtain and keep the supremacy,) of prostituting the patronage of the federal government to the strengthening and securing of their *peculiar interests*. It has always been observed that the 'spoils' principle has been applied almost exclusively to places and aspirants in the free States. In the slave States, where all, except those who, through fear, are silent, and united in support of the system of terror, there is no need of using the federal patronage to create a party among the people and in Congress in favor of it. But in the free States, such a party could be formed and maintained only by appeals to the avarice and ambition of needy and aspiring demagogues. Without such a party in those States, slavery in the South could not be maintained five years. Accordingly, all the arts of consummate Machiavellism, all the corruption, which springs from political depravity and produces it, have been employed to form and keep up such a party in the free States. Hence, we have the most rank corruption infecting thus early our body politic. Hence the frequency and enormity of public robberies, and the decline of all confidence in public men. Hence, the conversion of the republic into a vast arena of prize-fighters; and hence, each succession becomes a contest not of pretenders, but of a hundred thousand. This is a humiliating and disgraceful picture of our affairs, but is it not strictly correct? For my part, I shall look upon him as a great benefactor, who will convince me that the reverse is true, or that there is a hope that it ever will be, except with the abolition of slavery or the dissolution of the Union.

In a conversation, somewhat warm, which I had with a Georgia slaveholder a few days ago, he openly and exultingly boasted that if we had a great man at the North, they could always buy him. Of course, they can buy the little ones. And are the people of the North forever to submit to this most detestable and degrading traffic, a traffic worse than the slave-trade? Will they much longer consent to see their leaders and agents bribed to betray their interests and degrade their character, themselves all the while furnishing the money from their hard earnings, by which the vile system is carried on? It cannot, it cannot be.

D. L. C.

Correspondence between the Authorities of Virginia and the Executive of Massachusetts, relative to the Latimer Case.

COMMONWEALTH OF MASSACHUSETTS,
To the House of Representatives:

In compliance with the request of the House of Representatives, I transmit to them a copy of all the correspondence between 'the Governor, or authorities of the State of Virginia,' and 'the Executive Department' of this Commonwealth, 'touching the case of George Latimer.' As there is no pending application or demand from that State for the arrest of Latimer, or any other citizen or inhabitant of this State, I perceive no reason for withholding the correspondence, or any part of it.

MARCUS MORTON.

COUNCIL CHAMBER,
January 24, 1843.

THE STATE OF VIRGINIA

To the Executive Authority of the State of Massachusetts:

Whereas it appears by the annexed papers, which are hereby certified as authentic, that George Latimer, a man of color, is a fugitive from justice in this State, charged with burglary and felony, and that he had fled to the State of Massachusetts:

Now, therefore, I, John M. Gregory, Lieutenant-Governor of the State of Virginia, acting as Governor, according to the provisions of the Constitution of the said State—have thought proper, pursuant to the provisions of the Constitution and laws of the United States, in such case made and provided, to demand the surrender of the said George Latimer, to Elias Guy, who is hereby appointed the agent to receive and convey him to the State of Virginia, there to be dealt with according to law.

Given under my hand and seal, this third day of December, eighteen hundred and forty-two, and

M. KING, Major. [Seal.]

The within-named George Latimer not found, and I am informed and have reason to believe, that he has fled to Boston, in the State of Massachusetts.

ELIAS GUY,

Constable, Borough of Norfolk, Va.

NORFOLK BOROUGH, December 5, 1842.

STATE OF VIRGINIA.

NORFOLK BOROUGH, to wit:

To Elias Guy, or any other Constable of the borough of Norfolk:

Whereas, James B. Gray, of the borough of Norfolk, aforesaid, merchant, held this day made information and complaint upon oath by his affidavit duly sworn and subscribed before me, Miles King, Mayor of the said borough of Norfolk, in the State of Virginia, that on or about the twenty-fourth of September, eighteen hundred and forty-two, in the night, the store of him, the said James B. Gray, on Wide Water-street, in the said borough of Norfolk aforesaid, was feloniously and burglariously broken open, and about twenty dollars in money, and sundry pocket-books and hair-brushes, and other articles of the value of about fifteen dollars, of the goods and chattels of him, the said James B. Gray, feloniously and burglariously stolen, taken and carried away from thence, and that he hath just cause to suspect, and doth suspect and verily believe, that George Latimer, a colored man, formerly held to service and labor with him, and owned by him as his slave, the said felon and burglary did commit: These are, therefore, in the name of the Commonwealth, to command and require you, that immediately upon sight hereof, you do apprehend the said George Latimer, and bring him before me, or some aldermen of this borough, to answer the premises, and to be further dealt with according to law.

Given under my hand and seal, this third day of December, eighteen hundred and forty-two, and

M. KING, Major. [Seal.]

The within-named George Latimer not found, and I am informed and have reason to believe, that he has fled to Boston, in the State of Massachusetts.

ELIAS GUY,

Constable, Borough of Norfolk, Va.

NORFOLK BOROUGH, December 5, 1842.

STATE OF VIRGINIA.

BOROUGH OF NORFOLK, ac.

James B. Gray, of the borough of Norfolk, aforesaid, merchant, this day personally appeared before me, Miles King, Mayor of the said borough of Norfolk, in the State of Virginia, and made oath on the Holy Bible, that he did swear, that he did break and enter into his store on the night of the 24th of September, eighteen hundred and forty-two, in the said borough, and for whose arrest, I issued my two several warrants, dated the third day of December, instant, and fled to the State of Massachusetts, the city of Boston, and is now at large in the State of Massachusetts. Given under my hand and seal, this fifth day of December, eighteen hundred and forty-two, and

M. KING, Major. [Seal.]

The within a true copy, Attest,

JNO. A. BOLLES,

Secretary of the Commonwealth.

ELIAS GUY, Governor of Virginia:

Sir,—I have received and examined the requisition and documents transmitted by you through your agent. You, as the executive authority of the Commonwealth of Virginia, demand me Latimer, represent to be a fugitive from justice of that State. It is alleged that he broke and entered a building called a store-house, in Norfolk, and took therefrom money and goods, the property of James B. Gray. The affidavit of Mr. Gray is the foundation of the proceeding, and is the only document requiring notice, as it contains all the evidence there is of the perpetration of a crime.

The question to be considered is, Does this paper contain such a charge of felony, or other crime, as to impose upon the executive authority of Massachusetts the duty of issuing a warrant for the arrest of Latimer, that he may be transported to Virginia to answer for the offence?

This must depend upon the provisions of the Constitution and laws of the United States, which authorize, in certain cases, the demand and require the surrender, of fugitives charged with crime.

The Constitution provides, 'that a person charged with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.'

The law of Congress upon this subject declares, that whenever the executive authority of any State in the Union shall demand any person as a fugitive from justice, of the executive authority of any State to which such person shall have fled, and shall moreover, produce the copy of an indictment found, or an affidavit made before a magistrate of any such State, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the governor, or chief magistrate of the State from whence the person so charged fled, it shall be the duty of the executive of the State to which such person shall have fled, to cause him to be arrested and secured, &c.

Such is the substance of the provisions made in the Constitution and law for the surrender of fugitives from justice. The Constitution simply declares that a person charged with treason, felony, or other crime, shall, upon demand of the executive authority,

about the twenty-fourth of September, eighteen hundred and forty-two.

The affiant further stated on his oath as aforesaid, that the said George Latimer was searched in Boston since his escape from Virginia, and there were found on his person and taken from his possession, the watch-key and silver pencil-case, which were stolen from his storehouse when it was broken and entered as aforesaid, on or about the first day of January, eighteen hundred and forty-two.

And the affiant on his oath states, that he does verily believe, and doth charge, that the said George Latimer did, in the night-time, break open and enter burglariously and feloniously into the said storehouse on or about the twenty-fourth of September, eighteen hundred and forty-two, and steal therefrom twenty dollars in money belonging to said affiant, James B. Gray, and various articles of the property of the said affiant, of the value of about five dollars, and among other things, sundry pocket-books and hair-brushes. And that he further believes and charges, that the said George Latimer did, in the night-time, burglariously and feloniously enter and break his storehouse aforesaid, on or about the first day of January, eighteen hundred and forty-two, and there steal, take and carry away from said storehouse, about eighty dollars in money belonging to affiant, and various articles of the property of the value of at least ten or twelve dollars, and among the property so stolen, was the silver pencil-case and watch-key aforesaid.

JAMES B. GRAY.

The above affidavit was subscribed and sworn to by James B. Gray, before me, Miles King, Mayor of said borough of Norfolk, and State of Virginia, at the time and place, and verified in the manner stated in the caption of said affidavit.

In testimony whereof, I, Miles King, Mayor,

[Seal.] aforesaid, have subscribed my name and affixed my seal of office hereto, the day and year first aforesaid.

Mr. Gray, who is described as a merchant, states that on about the 24th day of September, 1842, his storehouse in Norfolk was burglariously and feloniously broken open and entered in the night-time, and about \$20 in cash, and sundry articles of property to him belonging, taken, stolen and carried away; that among the articles were some pocket-books and hair-brushes. He then states that the said store had been broken open and entered three other times previous, and since the first day of December, 1841; that it was first broken and entered on or about the first day of January, 1842, at which time there were taken, stolen and carried away from the said storehouse about \$80 in money, and various other articles of value to him belonging, among which were a watch-key and pencil-case of silver, of the value of two dollars, which he recollects seeing in his store in the place where they are usually deposited, after he had closed his store, on the night in which it was first broken open and entered; that shortly after the larceny committed on or about the 24th of September, 1842, he charged a colored man, named George Latimer, then held to service and labor with him as his slave, with the commission of the last-mentioned larceny; soon after which, the said George Latimer absconded and escaped to the State of Massachusetts, and of Boston; after his escape, he (Gray) searched the room in which said Latimer slept, and there found, in the drawer of a table belonging to said George Latimer, two of the pocket-books and one of the hair-brushes which had been stolen and carried away from the said storehouse.

The law, in carrying out this provision, declares that the demand must be made upon the executive authority, and the copy of an indictment found, or an affidavit produced, charging the fugitive with having committed treason, felony, or other crime.

The proceeding is not one of ordinary occurrence, where the process issues in the ordinary way, and is committed to an officer to be served; but the application for a surrender is from a State to a State, through the executive authority, and an executive warrant is indispensable to an arrest. It was evidently considered a matter of high import, involving the sovereign rights of the States, and demanding such special provision that no step should be taken without the assent of the State through its executive authority. The reason for this seems to be apparent in the fact that it is made the high duty of a State government to watch over the rights and privileges of the citizens, and to see that they enjoy the protection and security guaranteed by the laws. This process seeks to deprive persons in the enjoyment of these privileges of their liberty, to remove them to another jurisdiction, and to place them upon trial. It must have been obvious to the makers of the Constitution and the law, that it would be no light or trivial matter to be removed from one remote part to another, to be tried among strangers, for alleged offences. They must have anticipated that such a power would be likely to be perverted and abused; and to guard against unjust, oppressive arrests, and the removal of persons under the protection of law upon frivolous and colorable pretences, they confined the power to the executive authority of a State, not nominal, but substantial; that the issuing of a warrant is not intended to be a mere ministerial act, a peremptory duty imposed upon the executive, in the discharge of which he can excuse no discretion, but is to depend upon a just interpretation of the Constitution, and the law tending to restrain all abuse and perversion of the power.

The Constitution makes a charge of treason, felony or other crime, the foundation of the right to make the demand, and of the obligation to deliver up the fugitive. The law superadds to the Constitution, that the demand must be sustained by the copy of an indictment found, or an affidavit made, before a magistrate, charging the person demanded with treason, felony or other crime. The case before me rests upon an affidavit, and the question is, whether the charge of crime is such as to authorize an arrest.

An affidavit comes from no responsible authority, but is the voluntary act of any person who chooses to make it. It may as well be the offspring of base, malevolent, vindictive feelings, as of pure and honorable sentiments; it may as well spring from a selfish, sinning, or corrupt motives as from a faithful administration of criminal justice.

It is usually made by a party claiming to be aggrieved, and is weak evidence, even when almost always having a shade of distrust. It comes from a source unknown, and without any voucher for the respectability or truthfulness of the affiant. Upon such a document, the executive authority of a State is required to cause a person under the protection of the laws, to be arrested, and to be tried for the offense, and whether the charge contained in it is true or false.

The Constitution makes a charge of treason, felony or other crime, the foundation of the right to make the demand, and of the obligation to deliver up the fugitive. The law superadds to the Constitution, that the demand must be sustained by the copy of an indictment found, or an affidavit made, before a magistrate, charging the person demanded with treason, felony or other crime.

The proceedings of Mr. Gray in regard to Latimer, however, are quite different. He appears to have been greatly irritated by the copy of an affidavit, with which he was presented, and with feelings greatly irritated with disappointment, representing himself to be aggrieved in other ways besides the loss of his property from his store. Under the impulse of a mind thus excited, and in a condition thus unfavorable to a calm, unbiased, dispassionate view of the subject, he made this affidavit.

Whether sentiments of indignation or resentment mingled with the transaction, I shall not presume to inquire; but these circumstances belong to the case and deserve consideration, in forming an opinion upon the contents of the affidavit. It is, at least, to be presumed that in such a state of things, the affiant will make as strong a case of guilt as the truth will justify.

Mr. Gray is a merchant at Norfolk, having, like other traders, a stock of goods for sale. Among these, it appears, he had pocket-books, hair-brushes, pen-cases, and watch-cases. His store was broken open, and some of these goods, which appear to be, as far as I am able to judge, cheap articles, were stolen, and he avers his belief that Latimer is guilty of the larceny, because he found in his sleeping-room two pocket-books and a hair-brush, and upon his person, a watch-key and pencil-case.

In analyzing this statement, the character of the articles first merits consideration. They were all articles of personal convenience, such as almost every person, whatever may be his condition, possesses for his own accommodation. They seem to be cheap, and such a person like Latimer might with propriety possess for his own use—and the number was not greater than the exigencies of any person demands, unless, possibly, two pocket-books might be deemed unnecessary. Next, there was no extraordinary circumstance in the disposition of them—the pencil-case and key being on his person, and kept in his pocket, as was the case of such articles when designed for their own convenience.

Taking into view all these circumstances, it is apparent to my mind, that such a process is open to great abuse, unless it is watched over with scrupulous care.

What then are the requisites of a charge contained in affidavit which authorizes an arrest? The decision of this question is referred by the Constitution and the law to the executive authority

POETRY.

For the Liberator.

THE NEW DRAGON OF WANTLEY.

A BALLAD.

Ye have heard of the dragon of Wantley moor—
A monster much famed in the legends of yore,
For appetite vast, and strength of limb :—
There's a monster by far more savage and fell,
Who doth yet at this day in the South countries dwell—

Wantley's dragon was nothing to him :

If his fierce gleaming eyes, and huge rows of teeth,
His ponderous stomach, and talons beneath,
Or well credited tales you may trust—
He can take down a church with its steeple slick,
And will make not much more of its walls of brick,

Than you would of an apple-peel crust.

All the cattle around he claims as his prize,
Whose color is dark—not a few will suffice,
So capacious a stomach to cram ;
For the fat and the lean, the large and the small,
Down he gobbles them, hide, bones, muscle and all,

And a hoghead of blood is his drum.

Now as some of his cattle had gone astray,
And, to look up fresh pasture, had wandered away

To the rich clover fields of the North—
Some more to collect, and the lost ones to find,
And see that the business was done to his mind,

The old dragon himself issued forth.

But somehow it happened, I scarcely know how,—
Though supporters and friends he had plenty now,—

There appeared something wrong in his right ;
But sure was the dragon there could be no flaw,

He therefore resolved to appeal to the law,
Hee settled the business by fight.

Now the fox was the lawyer to manage the suit ;
He had impudence, cunning, and knavery to boot—

Not a farthing for justice cared he ;

All the cattle he found whose color was dark,

Black, brindled and speckled, he awoke by the mark,

Did belong to said dragon, in fee.

There was then a lord paramount, it appears,
And a lease dated back some fifty odd years,

By which lease the said dragon held claim :

But, however, it was the law that ignored,

So the cattle thus claimed might not be restored,

No title was proved to the same.

[It does look rather queer, it must be confessed,]
How one can convey what he never possessed ;

Nay, a right he has off shovels :

Or how any claim on lands, chalcis and chaff,

Can't be denied to the lessor himself,

And yet be to the lessee allowed.]

The dragon, perceiving no chance from the laws,
Resolved to depend on the length of his claws,

As he had been accustomed of old ;

But the chaff northern air and wind from the sea,

Did not the beast's constitution agree—

He was seized of a rheumatic cold.

Then gathered the men, and prepared for the fight—
Unwilling they were, for they looked with affright

On the width of that terrible mouth ;

Out salath the women with lasso and spit,

They clambered, they shouted, and soon made him quit

For his own bloody den at the South.

Then the women all vowed, on their brooms of birch,
Though his maw was spacious enough for a church,

They would finish the monster at last :—

Be success to the land where the women are brave !

No home for the tyrant, no jail for the slave,

Shall be found till her limits are past.

A lady has gone come une chevaliere preuse,
And still on the track of the dragon pursues

To his own desert home in the wild ;

Her arms are of proof, (for the colors she wore

They have never, I ween, been blazoned before,

And her crest is the serpent and child.”

* The honorable family to which this well-known cognizance belongs, will excuse this temporary use of it.

Farmington, N. Y. 1843.

For the Liberator.

TO MRS. M. W. CHAPMAN.

* This, I observe, is the grand trial to the multitude of minds—to be able to continue laboring patiently, after the charm of novelty has passed.”—*M. W. Chapman.*

We need thy perseverance—

Thy changeless, tireless zeal—

Thy patience, and thy energy—

Thy love, we need to feel.

We need thy high, unchanging trust—

Thy fearlessness of breathing dust—

That fixedness of heart and soul,

Through all things, to the destined goal.

To see a look of coldness dwell,

Or withering scorn or hatred, where

A kindly smile hath greeted us,

Is hard for loving hearts to bear :

And more than this—to know that they,

With whom we've trod life's changeful way

From childhood's dawn, throw by the past,

And to the winds our friendship cast.

Oh ! if there is one blessing given,

To which our hearts more fondly cling

Than to another—the bliss

That friendship of our life's waste doth bring.

And they, who, feeling all its worth,

Can, for the perishing of earth,

With calmness view its terrors dire,

Are fitted for the work of heaven.

When on the suffering we fix

A momentary gaze, we feel

We could, for them, our lives devote,

With all a martyr's steadfast zeal ;—

But, when we mark the toil and strife

That wait us in all future life,

Our spirits fail—the victor's wreath

Fades in the view of living death.

The holy, cheering promises,

To those who faint not in the strife,

The perfect, spiritual rest,

The water and the bread of life—

These are sufficient to sustain

The spirit, 'neath all care and pain :—

But what avails the call of Heaven

To hearts with earth's strong ties univen ?

There beams a heavenly majesty

Round one who can such fetters break,

And be 'alone and unaligned.'

And hated, for a brother's sake ;—

There is a joy in this, unknown

Till earthly ties aside are thrown ;

Yet dare we not that course pursue—

The lions, not their chains, we view.

But, steadfast pleader for the poor !

We cannot but rejoice that thou

Dost at all enemies present

A dauntless heart, a fearless brow.

And may we like these, nobly dare

The hatred of this world to bear ;

Forgetting self, for those whose fate

Man hath made dark and desolate.

Bath, Maine.

H. W. H.

SIMPLICITY.

I seek divine simplicity in those
Who handle things divine ; and all besides,
Though learned with labor, and though much admired
By curious eyes, and judgments ill-informed.

To me is odious, as the nasal swang

Heard at convetile, where worthy men,

Misted by custom, strain celestial themes

Through the prested nostril spectacle bestrid.

Cowper.

MISCELLANY.

From the Broome Republican.

Punishment by Death.

During the present session of the Legislature, an earnest effort, and we hope a successful one, will be made to erase from the statute book of this State, the law which provides for infliction of death upon capital offenders. It is time the gallows ceased to be the peculiar emblem and token of civilization and Christianity.

For a considerable time, public opinion has been slowly, but perceptibly, turning in favor of that humane alteration of the penal code. Among other indications of this change, we observe that several of the most influential newspapers, which, till of late, were either indifferent or opposed to the reform, are now speaking zealously and with great effect in favor of it. Good evidence that the facts and arguments which make in favor of the proposed legislation are getting to be better understood.

The abolition of capital punishment does not necessarily imply a denial of the right to take life in self-defense. The existence of a government presupposes that it has an abundant power to restrain, within any desirable limits, the personal freedom of all its subjects, whose free locomotion should be injurious to the public welfare. So that a person may maintain the right and duty of self-defense, to the fullest possible extent, and yet deny the necessity of killing a culprit in order to protect community from further degradation or outrage. Of course, those who believe it to be wrong to take the life of another, even for self-preservation, are opposed to capital punishment.

But it is argued, that government cannot be sustained, unless it has a right to decide what offenses shall be capital, and to enforce the penalty. If this were true, we should not hesitate in our choice of alternatives. Rather would we see government vertebrate than acknowledge its right to take the lives of its subjects, even for crime. This, and similar powers, have uniformly been conceded to government—and what would be the consequence ? What ?

That the history of the world consists of blood? Professions for the protection of life, the security of property, and the production of happiness—these they have more blood, plundered more property, and destroyed more happiness, than the passions, avarice and malice of individuals would, if left uncontrolled and unchecked. A sweeping assertion—but, nevertheless, a true one. Governments are composed of men, and of men no wiser or better than those over whom they exercise authority. 'Union is strength,' as well for wrong, as for right. Hence, governments have been as powerful for evil as for good. The code of Draco was peculiar, in that it was written in blood. Whether to abolish capital punishment is not equivalent to a proposition annihilating government, or render it unstable and inefficient, but to confine it within proper bounds, and make its operation bevel.

BARNARD.—Is the morning hour expired, sir ?

BARNARD.—Then, sir, I move for the order of the day. (Roars of laughter, and cries of 'You're out-geared, Wise.')

Wise.—Mr. Speaker, is not the previous question in order ?

Wise.—The first thing to-morrow morning, sir. (Roars of laughter.)

SEVERAL VOICES.—What is the order of the day ?

Wise.—The regular order of the day is the consideration of the bill to repeal the *Bankrupt Law* !

(Roars of laughter, which continued two or three minutes.)

This was Everett's old bill.

A great commotion here existed, and Kennedy's bill about tonnage was spoken of and passed over—the Speaker knocked his hammer for order, but it was of no use.

BARNARD moved to print a substitute for Cushing's Exchequer Bill. This was agreed to.

SPEAKER (faintly heard above the din).—Regular order—day—repeal—Bankrupt—Gentleman—Kentucky—floor—

Mr. MARSHALL rose.—I don't wish, sir, to take the responsibility of delaying action on this subject; and I wish to know the effect of moving the previous question—whether it be seconded, I shall have the right to speak.

SPEAKER.—By courtesy, sir ; not by right.

GRANGER.—I object to the gentleman having the floor again to speak on this question twice—

MARSHALL (turning savagely round on Granger).—I shall speak, sir, mangle all the objections of the gentleman.

GRANGER.—The gentleman has already spoken on the subject—

MARSHALL.—I have not, sir; and I dare say I can speak in this House, and I mean to speak, in spite—

CUSHING (excited).—I don't think it fair to move the previous question, now, when I have been so attacked, without allowing me to reply—

CUSHING (Order).—go on—let him speak—no—yes—order—great confusion.

STANLEY (amid the din).—Why, what's the matter now, Cushing ?

CUSHING.—I will speak, and I will contend for the floor and claim it, against any man.

CRIES of 'Order', 'question', 'go on', 'stick to it.'

CHAIR.—All this is out of order.

RANDOLPH.—What's the main question ?

SPEAKER.—Upon the amendment of the gentleman from Massachusetts.

GRANGER.—The gentleman has already spoken on the subject—

MARSHALL.—I have not, sir; and I dare say I can speak in this House, and I mean to speak, in spite—

CUSHING (excited).—I will speak, and I will contend for the floor and claim it, against any man.

Tellers were called, and the previous question was seconded, ayes 110.

CRIES of 'Give it up—No, no—let's see the nakedness of the land'—(Roars of laughter.)

NOS.—28!!

So the previous question was seconded.

SPEAKER.—Shall the main question be now put ?

Was it carried *viva voce* ?—(Roars of laughter, and cries of 'One more over !')

SPEAKER.—The question now is on the amendment of the gentleman from Massachusetts (as above—Cushing's amendment.)

CRIES of 'Read it.'

It was read